

REMARKS

Claims 1-20 are pending in this application, with claims 5, and 7-9 being withdrawn from consideration. Claims 1, 2, 3 and 16 are independent claims.

By this amendment, claims 1-3, 11, 12, 14 and 16 are amended and new claims 17-20 are added.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Corrected Formal Drawing

In amended Figure 7(b), the top arrow previously pointing right is amended to an arrow pointing left. The minor change to Fig. 7(b) is made so that the figure is consistent with the statements in the specification.

Applicants respectfully request that the corrected drawing be approved and made a part of the record of the above-identified application.

Drawings Objections

The drawings are objected to because they allegedly do not show every feature of the invention specified in the claims.

More specifically, the Examiner states that the transportation path is curved along each outer surface (claims 11, 12) must be shown or the feature canceled from the claims.

To overcome the foregoing drawing objection, claims 11 and 12 are amended to claim "said ink carriage has a front surface provided with a front ink nozzle and a back surface, opposing the front surface, provided with a back ink nozzle, and the transportation path is curved along the front surface and the back

surface of said ink carriage." Applicants respectfully submit that such a claim limitation is clearly supported at least by Figs. 5, 6(a), and 6(b) of the present application.

Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Allowable Subject Matter

The Office Action indicates that claims 3, 4 and 16 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph and rewritten to include all of the limitations of the base claim and any intervening claims.

Applicants respectfully submit that claims 3 and 16 are rewritten into independent form to overcome the rejection under 112, 2nd paragraph.

As such, claims 3, 4, and 16 are now in condition for allowance. Accordingly, withdrawal of the objection of claims 3, 4 and 16 is respectfully requested.

The Claim Objections are Obviated

The Office Action objects to claim 2 because of minor informalities contained therein. Applicants respectfully submit that claim 2 is amended to include the word --and-- as suggested by the Examiner.

Accordingly, withdrawal of the objection to claim 2 is respectfully requested.

The Claims Satisfy The Requirements Of
35 U.S.C. §112, 1st and 2nd Paragraphs

The Office Action rejects claims 11-13 under 35 U.S.C. §112, 1st paragraph and rejects claims 1-4, 6 and 10-16 under 35 U.S.C. §112, 2nd paragraph. These rejections are respectfully traversed.

As for the rejection under 112, 1st paragraph, claims 11 and 12 are amended to recite "said ink carriage has a front surface provided with a front ink nozzle and a back surface, opposing the front surface, provided with a back ink nozzle, and the transportation path is curved along the front surface and the back surface of said ink carriage" to overcome this rejection.

Such a feature is clearly supported at least by Figs. 5, 6(a), and 6(b) of the present application.

Accordingly, withdrawal of the rejection of claims 11-13 under 112, 1st paragraph is respectfully requested.

As for the rejection under 112, 2nd paragraph, with respect to claims 1-4, 6, and 10-16, the Examiner inquires as to the difference between a transportation direction and a transportation path.

Applicants respectfully submit that the transportation path is a path on which a recording paper travels. By contrast, the transportation direction is a traveling direction of the recording paper.

The foregoing difference becomes more apparent when the claimed invention is adapted to an ink jet printer capable of double-side printing as shown, for example, in Figs. 27-31 (directed to non-elected species). In this embodiment, for example,

a recording paper always travels on the transportation path. However, after the recording paper travels downward (i.e., a first traveling direction) into a switchback case 41, the recording paper starts to travel upward (i.e., a second traveling direction) on the same transportation path for a short period of time.

Furthermore, the Examiner states that "a substantially same space therebetween" recited in claim 12 is not understood. As such, claim 12 is amended for clarity.

In addition, the Examiner states that claim 14 is completely ambiguous because of the virtual extension line. As such, claim 14 is amended for clarity.

Applicants respectfully submit that the comments above and the amendment to claims 11, 12 and 14 obviates the rejection of claim 11-13 under 35 U.S.C. §112, 1st paragraph and claims 1-4, 6, and 10-16 under 35 U.S.C. §112, 2nd paragraph.

Accordingly, withdrawal of the rejection of claims 11-13 under 35 U.S.C. §112, 1st paragraph and claims 1-4, 6 and 10-16 under 35 U.S.C. §112, 2nd paragraph is respectfully requested.

The Claims Define Patentable Subject Matter

The Office Action rejects claims 1, 2, 10, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,538,160 to Uchiyama (hereafter Uchiyama).

This rejection is respectfully traversed.

Applicants respectfully submit that Uchiyama fails to teach or suggest each and every feature as set forth in the claimed invention.

In contrast to the present invention, Uchiyama discloses an ink jet recording apparatus having a shaft 5 along which a carriage 4 travels. In Uchiyama, the carriage 4 is provided with a plurality of ink jetting nozzles and a rotatable support drum 1 on which a recording paper is placed.

Furthermore, in Uchiyama, as clearly shown in Fig.3, the carriage 4 (which arguably corresponds to the "ink carriage" of the claimed invention of the present application) surrounds the support drum 1 that supports the recording paper. In other words, the carriage 4 surrounds the recording paper. Therefore, in Uchiyama, the carriage 4 is not "adapted to be at least partially surrounded by the at least one recording paper," as recited in claim 1. Accordingly, Uchiyama does not disclose or even suggest the "ink carriage" as recited in claim 1.

Claims 10 and 14, which depend upon claim 1 either directly or indirectly, are allowable at least for their dependency on claim 1 and for the additional features claimed therein.

Claim 2 is allowable at least for the similar reasons as stated in the foregoing with respect to claim 1.

Claim 15, dependent on claim 2, is allowable at least for its dependency on claim 2 and for the additional features claimed therein which the cited references fail to disclose.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Uchiyama, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claims 1 and 2 are allowable over Uchiyama for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1, 2, 10, 14 and 15 under 35 U.S.C. §102(b) is respectfully requested.

New Claims

New claims 17-20 have been added. These claims are directed to the elected species.

Claims 17 and 18, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

Claims 19 and 20, variously dependent on claim 2, are allowable at least for their dependency on claim 2.

Appl. No.: 09/670,840
Docket No.: 1248-0518P
, Reply to Office Action of November 13, 2003

A favorable determination and allowance of these new claims is earnestly requested.

Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASH & BIRCH, LLP

By


Terrell C. Birch, #19,382

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

TCB/MH/CTB/mpe
1248-0518P

Attachment(s): One (1) replacement drawing sheet of Fig. 7(b)



S N 09/670,846
ARTY Doc. # 1248-051817

FIG. 7 (a)

PORTION PRINTED BY
FIRST RUNNING

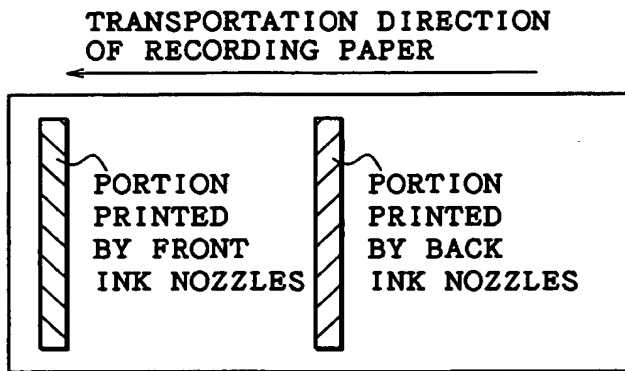
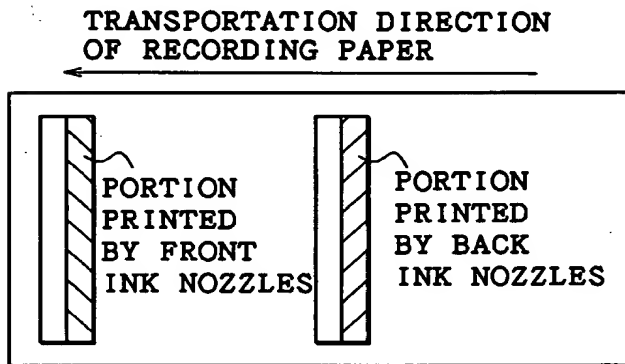


FIG. 7 (b)

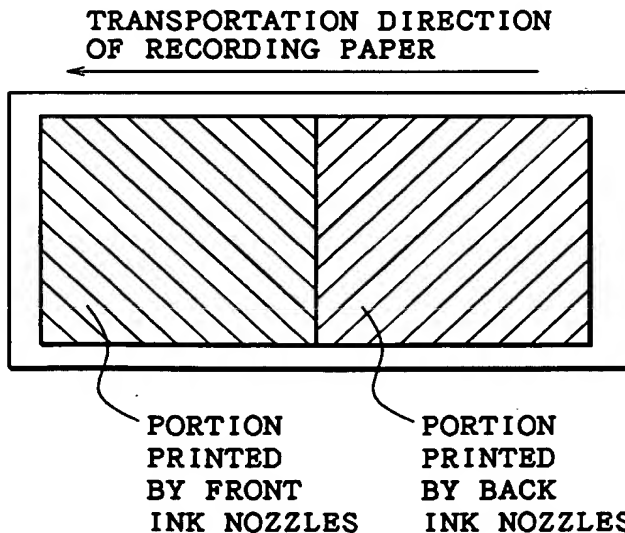
PORTION PRINTED BY
SECOND RUNNING



REPEAT PRINTING
& TRANSPORTATION
PER RUNNING

FIG. 7 (c)

PRINT RESULT
OF ONE PAGE



RECEIVED
FEB 13 2004
TECHNOLOGY CENTER 2800